



**Australian Government**  
**Department of Employment  
and Workplace Relations**

Our ref: LEX 1358

Ms Jenny Bree  
By email: [foi+request-12470-dfa2aa4c@righttoknow.org.au](mailto:foi+request-12470-dfa2aa4c@righttoknow.org.au)

Dear Ms Bree

**Freedom of Information – Internal Review Decision**

I refer to your email of 13 January 2025 requesting an internal review of the Department of Employment and Workplace Relations' (the department's) freedom of information (FOI) decision dated 20 December 2024 (LEX 1306 - 'the original decision') made under the *Freedom of Information Act 1982* (FOI Act).

**My decision**

I am authorised to make internal review decisions under section 54C of the FOI Act. Consistent with the requirements of section 54C, I have reviewed the original decision and made a fresh decision.

For the reasons set out below, I have decided to vary the original decision dated 20 December 2024.

The reasons for my decision are set out at **Attachment A**.

**You can ask for an external review of my decision**

You can find information about your rights of review under the FOI Act, as well as information about how to make a complaint at **Attachment B**.

Please note you will have 60 days to apply in writing for a review by the Australian Information Commissioner.

**Further assistance**

An extract of relevant legislation is available at **Attachment C**.

If you have any questions, please email [foi@dewr.gov.au](mailto:foi@dewr.gov.au).

Yours sincerely

*Gabby*

Authorised Decision Maker  
Department of Employment and Workplace Relations  
12 February 2025

## Attachment A

### REASONS FOR DECISION

#### Background

1. On 4 December 2024, the department received your request for access to documents under the FOI Act in the following terms:

*"I request unredacted pages 23 - 29 of the documents published on your disclosure log on 10 September 2024 re bullying and harassment by Workforce Australia providers."*

2. On 13 December 2024, the department acknowledged your request.
3. On 20 December 2024, the original decision maker decided that 1 document (the document) consisting of 7 pages fell within the scope of your request. The original decision maker granted access in part to the document on the basis that the deliberative material, operations of an agency and personal privacy conditional exemptions apply to material within the document under the FOI Act.
4. On 13 January 2025, the department received your request for internal review in the following terms:

*I am writing to request an internal review of Department of Employment and Workplace Relations handling of my FOI request 'Bullying and harassment by Workforce Australia providers'.*

*You say 'the material relates to policy recommendations and options for managing non-compliance or mitigating risk of non-compliance with contracted services providers'. And that 'Release of this information would detrimentally affect the department's ability to manage or mitigate risk of noncompliance in relation to employment services providers'. You don't explain why this would be the outcome of release and I don't think it would be the outcome.*

*Also an agency or minister must give access to a document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest. The importance of how the government is going about stopping bullying by Workforce Australia providers is of significant public interest. Bullying impacts individuals terribly and can lead to depression and suicide. Here are the Public interest factors favouring access of the information on how you are dealing with bullying by providers*

- a. *a promotes the objects of the FOI Act, including to:*
  - i. *inform the community of the Government's operations, including, in particular, the policies, rules, guidelines, practices and codes of conduct followed by the Government in its dealings with members of the community*
  - ii. *reveal the reason for a government decision and any background or contextual information that informed the decision*
  - iii. *enhance the scrutiny of government decision making*
- b. *inform debate on a matter of public importance, including to:*
  - i. *allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official*
  - ii. *reveal or substantiate that an agency or official or Provider has engaged in misconduct or negligent, improper or unlawful conduct*
- c. *promote effective oversight of public expenditure*

- d. *advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies or Providers.*

*Please take these into account fairly.*

5. On 16 January 2025, the department acknowledged your internal review request and asked you whether you would be prepared to treat any of the following material as irrelevant to the scope of your request under section 22(1)(a)(ii) of the FOI Act:
- the names and direct contact details of Commonwealth staff and Ministerial Office staff
  - email addresses
  - security classifications (dissemination limiting markers) that are no longer applicable or potentially misleading.
6. On 16 January 2025 you informed the department that you were prepared for the abovementioned information to be excluded from the scope of your request. I have therefore deleted this information as irrelevant material under section 22(1)(a)(ii) of the of the FOI Act.

#### **What I took into account**

7. In reaching my decision, I took the following material into account:
- the original decision dated 20 December 2024
  - your internal review request dated 13 January 2025 and other correspondence with you
  - the document that falls within the scope of your request
  - consultations with relevant departmental officers about the nature of the document and the operating environment and functions of the department
  - the FOI Act
  - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

#### **Reasons for decision**

8. Having had regard to the searches undertaken by the department I am satisfied that there are no further documents that fall within the scope of your request beyond that which was identified in the original decision.

#### Section 22 of the FOI Act: access to edited copies with irrelevant and exempt matter deleted

9. I have decided that the document contains irrelevant material, being:
- the names and direct contact details of Commonwealth staff and Ministerial Office staff
  - email addresses
  - security classifications (dissemination limiting markers) that are no longer applicable or potentially misleading.
10. In accordance with section 22(1)(a)(ii) of the of the FOI Act, I have deleted the material that is irrelevant (and outside the scope of your request) and I have decided to release the remaining material to you.

## Attachment B

### YOUR RIGHTS OF REVIEW

#### Applying for external review by the Australian Information Commissioner

If you do not agree with this decision, you can ask the Australian Information Commissioner to review the decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can lodge your application in one of the following ways:

Online:

<https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

Email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5288  
SYDNEY NSW 2001

#### Complaints to the Australian Information Commissioner

*Australian Information Commissioner*

You may complain to the Australian Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Australian Information Commissioner must be made in writing and can be lodged in one of the following ways:

Online:

<https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>

Email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5288  
SYDNEY NSW 2001

## RELEVANT LEGISLATION

### 22 Access to edited copies with exempt or irrelevant matter deleted

*Scope*

- (1) This section applies if:
  - (a) an agency or Minister decides:
    - (i) to refuse to give access to an exempt document; or
    - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
  - (b) it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:
    - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
    - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
  - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
    - (i) the nature and extent of the modification; and
    - (ii) the resources available to modify the document; and
  - (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.